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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/529,448	10/11/2005	Kurt A. Seibold	113601-0220	2203

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Thomas Moga
Butzel Long
STONERIDGE WEST
41000 WOODWARD AVENUE
BLOOMFIELD HILLS, MI 48304

EXAMINER

WHITE, RODNEY BARNETT

ART UNIT	PAPER NUMBER
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3636

NOTIFICATION DATE	DELIVERY MODE
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03/25/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ball@butzel.com
patent@butzel.com
burns@butzel.com

Office Action Summary	Application No.	Applicant(s)	
	10/529,448	SEIBOLD, KURT A.	
	Examiner	Art Unit	
	Rodney B. White	3636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 February 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16-20 is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☒ Claim(s) 7-15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 4-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 4-5, Applicant defines “a first portion having a plurality of low profile teeth; a second portion having a plurality of normal profile teeth; and a third portion having a plurality of angled profile teeth.” However, Applicant has not defined “low profile”, “normal profile”, and “high profile” nor has he defined those terms relative to one another. It is not clear what “low”, “normal”, or “high” is. It appears Applicant should have defined the “teeth” with respect to one another, such as - - a first portion having a plurality of teeth; a second portion having a plurality of normal profile teeth; and a third portion having a plurality of angled profile teeth, the teeth of the first portion being smaller in size (or applicant could use the word “dimension” here) than the teeth of the second portion; the teeth of the second portion being smaller in size/dimension than the teeth of the third portion - -. Or Applicant could do the reverse by defining - - the teeth of the second portion being larger in size/dimension than the teeth of the first portion, and the teeth of the third portion being bigger in size/dimension than the teeth of the

second portion - -. Applicant should note that the aforementioned suggested language is only a suggestion and that he can use language he feels is proper or similar to the suggested language.

The aforementioned problem renders the claims vague and indefinite.
Clarification and/or correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Herider et al (U.S. Patent No. 2,853,121).

Herider et al teach a recliner mechanism for adjusting the position of a seat back frame assembly with respect to a seat base flame assembly, the recliner mechanism comprising: a round sector 68 member having a plurality of teeth located on an edge of the round sector member, the round sector member being connected to at least one of the seat back frame assembly and the seat base flame assembly; a first pawl member 80 having a notched edge portion located between a proximal end and a distal end, the first pawl member being connected to the other of the seat back flame assembly and

the seat base frame assembly from the round sector member; a second pawl member 82 having a notched edge portion located between a proximal end and a distal end, wherein the proximal end of the first pawl member is rotably connected to the proximal end of the second pawl member and the second pawl member is connected to the other of the seat back frame assembly and the seat base frame assembly from the round sector member; and wherein the first and second pawl members are aligned with the round sector member such that the notched edge portions of the first and second pawl members engage the plurality of teeth of the round sector member, wherein the round sector member is connected to the seat base frame assembly and the first and second pawl members are connected to the a seat back frame assembly, further comprising a means for moving the distal ends of the first and second pawl members such that the notched edge portions of the first and second pawl members are moved into and out of engagement with the plurality of teeth on the sector member.

Claims 1-3 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Herider et al (U.S. Patent No. 2,892,487).

Herider et al teach a recliner mechanism for adjusting the position of a seat back frame assembly with respect to a seat base frame assembly, the recliner mechanism comprising: a round sector 68 member having a plurality of teeth located on an edge of the round sector member, the round sector member being connected to at least one of the seat back frame assembly and the seat base frame assembly; a first pawl member 80 having a notched edge portion located between a proximal end and a distal end, the

first pawl member being connected to the other of the seat back frame assembly and the seat base frame assembly from the round sector member; a second pawl member 82 having a notched edge portion located between a proximal end and a distal end, wherein the proximal end of the first pawl member is rotably connected to the proximal end of the second pawl member and the second pawl member is connected to the other of the seat back frame assembly and the seat base frame assembly from the round sector member; and wherein the first and second pawl members are aligned with the round sector member such that the notched edge portions of the first and second pawl members engage the plurality of teeth of the round sector member, wherein the round sector member is connected to the seat base frame assembly and the first and second pawl members are connected to the a seat back frame assembly (See Fig. 4), wherein the notched edge portions of the first and second pawl members include a plurality of varying shape teeth (See Figures 5-6), further comprising a means for moving the distal ends of the first and second pawl members such that the notched edge portions of the first and second pawl members are moved into and out of engagement with the plurality of teeth on the sector member.

Claims 1-2 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Minkenberg et al (U.S. Patent No. 5,865,285).

Minkenberg et al teach a recliner mechanism for adjusting the position of a seat back frame assembly with respect to a seat base frame assembly, the recliner

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mechanism comprising: a round sector 5 member having a plurality of teeth located on an edge of the round sector member, the round sector member being connected to at least one of the seat back frame assembly and the seat base frame assembly; a first pawl member 3a having a notched edge portion located between a proximal end and a distal end, the first pawl member being connected to the other of the seat back frame assembly and the seat base frame assembly from the round sector member; a second pawl member 3b having a notched edge portion located between a proximal end and a distal end, wherein the proximal end of the first pawl member is rotably connected to the proximal end of the second pawl member and the second pawl member is connected to the other of the seat back frame assembly and the seat base frame assembly from the round sector member; and wherein the first and second pawl members are aligned with the round sector member such that the notched edge portions of the first and second pawl members engage the plurality of teeth of the round sector member, wherein the round sector member is connected to the seat base frame assembly and the first and second pawl members are connected to the a seat back frame assembly), further comprising a means for moving the distal ends of the first and second pawl members such that the notched edge portions of the first and second pawl members are moved into and out of engagement with the plurality of teeth on the sector member.

Claims 1-2 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Schwarzbich (U.S. Patent No. 6,178,838 B1).

Schwarzbich et al teach a recliner mechanism for adjusting the position of a seat back frame assembly with respect to a seat base frame assembly, the recliner mechanism comprising: a round sector 28 member having a plurality of teeth located on an edge of the round sector member, the round sector member being connected to at least one of the seat back frame assembly and the seat base frame assembly; a first pawl member 20 having a notched edge portion located between a proximal end and a distal end, the first pawl member being connected to the other of the seat back frame assembly and the seat base frame assembly from the round sector member; a second pawl member 22 having a notched edge portion located between a proximal end and a distal end, wherein the proximal end of the first pawl member is rotably connected to the proximal end of the second pawl member and the second pawl member is connected to the other of the seat back frame assembly and the seat base frame assembly from the round sector member; and wherein the first and second pawl members are aligned with the round sector member such that the notched edge portions of the first and second pawl members engage the plurality of teeth of the round sector member, wherein the round sector member is connected to the seat base frame assembly and the first and second pawl members are connected to the a seat back frame assembly), further comprising a means for moving the distal ends of the first and second pawl members such that the notched edge portions of the first and second pawl members are moved into and out of engagement with the plurality of teeth on the sector member.

Claims 1-2 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Schwarzbich (U.S. Patent No. 6,178,838 B1).

Schwarzbich et al teach a recliner mechanism for adjusting the position of a seat back frame assembly with respect to a seat base frame assembly, the recliner mechanism comprising: a round sector 38 member having a plurality of teeth located on an edge of the round sector member, the round sector member being connected to at least one of the seat back frame assembly and the seat base frame assembly; a first pawl member 42 having a notched edge portion located between a proximal end and a distal end, the first pawl member being connected to the other of the seat back frame assembly and the seat base frame assembly from the round sector member; a second pawl member 44 having a notched edge portion located between a proximal end and a distal end, wherein the proximal end of the first pawl member is rotably connected to the proximal end of the second pawl member and the second pawl member is connected to the other of the seat back frame assembly and the seat base frame assembly from the round sector member; and wherein the first and second pawl members are aligned with the round sector member such that the notched edge portions of the first and second pawl members engage the plurality of teeth of the round sector member, wherein the round sector member is connected to the seat base frame assembly and the first and second pawl members are connected to the a seat back frame assembly), further comprising a means for moving the distal ends of the first and second pawl members such that the notched edge portions of the first and second pawl members are moved into and out of engagement with the plurality of teeth on the sector member.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Herider et al (U.S. Patent No. 2,892,487).

Herider et al teaches the structure substantially as claimed but does not teach that the notched edge portions of the first and second pawls members have first, second, and third portions with different sized teeth. However, they do teach that the shape can be a varying size or shape (See Figures 5-6). Examiner takes official notice that it is only a matter of design choice to manufacture some of the teeth of a pawl or a sector gear with small to large teeth or to make the pawls with 3 different portions having three different sizes of teeth since a pawl with one or two different sizes of teeth, as taught by Herider et al, is going to perform the same function and work just as well, as the pawls with the three different portions and three different sizes of teeth, as taught by the present invention.

Claims 7-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 16-20 are allowed.

The following is a statement of reasons for the indication of allowable subject matter: Prior art fails to teach a first cam pin member connected to the distal end of the first pawl member and a second cam pin member connected to the distal end of the second pawl member, the first and second cam pin members each having a first axis of rotation and a second axis of rotation offset from the first axis of rotation such that rotation of the first and second cam pin members causes the first and second pawl members to rotate in opposite directions about their proximal ends, as taught in claims 7, 16, and 19.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Krug, Nithammer et al, Bell, Schmale et al, Croft et al, Notta et al, Olivieri, Robinson, Becker et al, Schumann et al, Ito et al, Grable et al, and Frohnhaus et al teach structures and concepts similar to those of the present invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney B. White whose telephone number is (571) 272-6863. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Dunn can be reached on (571) 272-6670. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Rodney B. White/
Primary Examiner
Art Unit 3636
March 15, 2008